

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BURLINGTON COUNTY, EVERGREEN PARK
MENTAL HOSPITAL

Respondent

and

Docket No. C-2

DOROTHY COOPER

Complainant

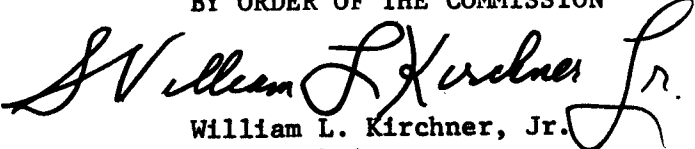
ORDER OF DISMISSAL

In an earlier decision in the above-captioned matter, P.E.R.C. No. 14, the Commission found that the complainant had been discharged because of her union activities and that such discharge was in violation of the rights conferred by Chapter 303, L., 1968, N.J.S.A. 34:13A-1 et seq. As part of the remedy for the violation found, the Commission ordered the public employer to take certain affirmative actions including an offer to the complainant of reinstatement to her former or equivalent position and reimbursement for earnings lost. The employer appealed the Commission's Decision and Order.

On July 24, 1970, the Supreme Court of New Jersey issued its decision, Burlington County Evergreen Park Mental Hospital vs. Dorothy Cooper and the Public Employment Relations Commission, N. J. (1969). The Court held that, in the absence of a specific legislative grant, this Commission is without authority to hear and decide charges alleging violations of Chapter 303 and further that it has no authority to order affirmative relief. The Court set aside the Commission's order and remanded the case for dismissal of the charge.

Accordingly, the Commission orders that the charge be,
and is hereby, dismissed.

BY ORDER OF THE COMMISSION


William L. Kirchner, Jr.
Acting Chairman

DATED: July 30, 1970
Trenton, New Jersey